


***R33 011 – Gaudet testimony in Nevada case Murray v. Jowdy (December 2010)***

Jowdy's Nevada defense attorneys had Robert Gaudet confirm his "witness" signature on the 2004 Hawai'i loan agreement and then authenticated it to support Jowdy's defense theory -- as follows –



24	Q	Did you ever sign as a witness on Mr. Kenner's
25		behalf for a revolving line of credit at any time?


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1	A	<u>Yes, I did.</u>	
2	MR. RICHARDS:	Withdrawn.	
3	THE WITNESS:	Yes, I did.	
4	<u>BY MS. LEE:</u>	←	Jowdy's NV lead trial attorney...
5	Q	And when did you sign that agreement?	
6	A	I don't recall, but it was at a party, an event.	

Then – they asked Gaudet again about his signature –

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17	Q	If you could turn to Exhibit A-89. Are you there?
18	A	I am here, yes.
19	Q	Can you turn to the second page of that exhibit,
20		please?
21	A	Yes.
22	Q	Is that your signature there as witness?
23	A	Yes, it is.
24	Q	Do you recall signing this?
25	A	I do.



Jowdy's attorneys admitted the 2004 Hawai'i RLOC into evidence –

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3 Q And can you tell the Court what date this document  
4 was entered into?

5 A 12/7/2004.

6 MS. LEE: Your Honor, I'd like to move to admit this  
7 exhibit. He's authenticated his signature on it.

8 MR. RICHARDS: No objection.

9 THE COURT: Okay. It's admitted.

10 [Defendant's Exhibit A-89 Received]

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14 BY MS. LEE:

15 Q So this revolving line of credit -- and I'm not  
16 asking you to testify as to its contents. But that's your  
17 signature on this revolving line of credit, as a witness for  
18 Phil Kenner; is that right?

19 A I witnessed two signatures. And the person that I  
20 knew was Ken Jowdy. I was just asked to witness two  
21 signatures. So --


22 Q So Mr. Jowdy facilitated your signature on this  
23 document; is that what you're saying?

24 A I'm sorry?

25 Q Mr. Jowdy facilitated your signature on this

Jowdy's  
attorney...  
Ms. Lee

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1		personal line of credit? Is that --
2	A	He requested for me to witness, yes.
3	Q	Did you actually sit down and witness it? Did you
4		sit there and look at Mr. Kenner while he was signing this
5		document?
6	A	I witnessed two signatures, correct.
7	Q	But when you say witness, what does that mean to
8		you?
9	A	I watched two signatures.
10	Q	So you watched Mr. Kenner sign this document?
11	A	Correct.
12	Q	And on the first page, that was back in December of
13		2004, correct?
14	A	That is correct.

In fact – Gaudet went on to testify that Jowdy was so secretive about all of his business dealings that Gaudet – *Jowdy's Diamanté Cabo Director of Golf* – was not even aware that Kenner was an owner (*in fact -- the largest individual owner*) in the Cabo project at the time of the March 2006 closing.

19	Q	Did you have any understanding that he owned part of
20		the project in Cabo San Lucas?
21	A	Again, specifically at that timeframe in early '06,
22		no, I did not.